

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HERBERT APONTE,

Petitioner,

v.

JUDGE ARTHUR ZUCICK, *et al.*,

Respondent.

NO. 3:15-CV-01154

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

ORDER

NOW, this 29th day of October, 2015, upon review of the Report and Recommendation of Magistrate Judge Saporito (Doc. 6) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 6) is **ADOPTED in its entirety**.
- (2) Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED without prejudice** to the Petitioner's right to seek pre-authorization from the Third Circuit Court of Appeals under 28 U.S.C. § 2244(b)(3).
- (3) No certificate of appealability shall issue due to Petitioner's failure to demonstrate a substantial showing of the denial of a constitutional right.
- (4) Petitioner shall immediately inform the Court of any change in his current address in accordance with Local Rule 83.18.



A. Richard Caputo
United States District Judge